

AMENDMENTS TO THE DRAWINGS

FIG 2. is amended to correct a typographical error in block 202.

Attachment: Replacement Sheet (1)

REMARKS

Claims 49-51 are all the claims pending in the application.

Objections to the Drawings

The Examiner objects to the drawings, asserting that FIG. 2 contains a typographical error. Specifically, the Examiner asserts that block 202 should read “Ratio” instead of “RIH”.

Block 202 of FIG. 2 is amended to recite “Ratio” instead of “RIH”. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Claim Rejections under Non-Statutory Obviousness Type Double Patenting

The Examiner rejects claims 49-51 on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 7,006,569. Specifically, the Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-2 of Patent ‘569 encompass claims 49-51 of the present application.

Applicant notes that U.S. Patent No. 7,006,569 and the present application are commonly owned. Applicant submits herewith terminal disclaimers in compliance with 37 C.F.R. § 1.321(c) with respect to U.S. Patent No. 7,006,569.

Claim Rejections under 35 U.S.C. § 101

The Examiner rejects claims 49 and 50 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. For at least the following reasons, Applicant respectfully traverses the rejection.

With regard to claim 49, the Examiner alleges that even though the steps recited in claim 49 have useful and concrete results, the claim fails to recite any step to produce real world results

as required to have substantial practical application. The Examiner asserts that the claim is directed toward non-statutory subject matter for lacking of tangible result.

Claim 49 is amended and recites a method of processing image data, comprising, *inter alia*, allotting motion intensity to each frame constituting the image data, expressing the image data by a ratio of the number of all frames constituting the image data to the number of frames having the allotted motion intensity, and storing the ratio in a storage.

Applicant respectfully notes that according to *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998):

Today, we hold that the transformation of data, representing discreet dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces “a useful, concrete and tangible result” -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities an in subsequent trades.

Applicant respectfully submits that since the claimed expression of the image data as the ratio is at least momentarily stored in the storage and is relied upon in processing the image data, claim 49 recites a useful, concrete, and tangible result.

With regard to claim 50, the Examiner asserts that the claim fails to recite the claimed computer readable medium being encoded with a computer program. The Examiner further asserts that since claim 50 recites a computer readable medium and the specification discloses a carrier wave as an example of a computer readable medium, claim 50 qualifies as a signal claim and is directed toward non-statutory subject matter.

Claim 50 is amended and recites a computer readable medium having encoded thereon program codes to be executed by a computer to implement a method for describing image data. Claim 50 recites a computer readable medium being encoded with a computer program which

defines a structural and functional interrelationship between the computer and the rest of the computer which permit the computer program's functionality.

Furthermore, the 3rd full paragraph on page 9 of the specification is amended to omit a carrier wave as an example of a computer readable medium. The specification no longer discloses a carrier wave, and therefore claim 50 does not qualify as a signal claim and recites statutory subject matter.

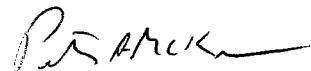
Accordingly, Applicant respectfully submits that claims 49 and 50 recite patentable subject matter.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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